

REGULATORY ASSIGNMENT CONTROL SHEET

LOG CONTROL NUMBER: 74 ANALYST
ASSIGNED: AXT

ACTION: SORN

TITLE: NATIONAL LONGITUDINAL TRANSITION STUDY - 2

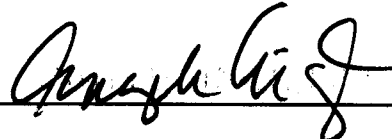
RECEIVED: 1/29/2009

DATE ASSIGNED: 1/29/2009

DATE DUE: 2/9/2009

ANALYST SIGNATURE: See attached

COMPLETION DATE: 1/30/09

FINAL APPROVAL:  DATE: 1-30-09

OMB NO: 1850-0815 Exp. 9/30/2011

REG PART:

**REGULATIONS CLEARANCE SHEET
OFFICE OF THE GENERAL COUNSEL
DIVISION OF REGULATORY SERVICES (DRS)**

DRAFT NO.: 1

DATE: January 29, 2009

Please review the attached document, check the appropriate box below, sign, and return with your comments, if any, to Room 6C127 or E-mail your response and any comments to Jacquelyn Buckley and Elouise Ellerbe. **Your response is due by February 9, 2009.**

Office of the Secretary

☐ Ex. Sec., S. Stevens, 7C122

Office of the Deputy Secretary

☐ Phil Link

Office of the General Counsel

Assistant General Counsel(s)

☐ E. McFadden, 6E217

☐ S. Craig, 6E304

☐ T. Sasser, 6C107

Deputy Assistant General Counsel

☐ S. Higgins, 6C135

General Attorney

☐ D. Friendly

Special Education & Rehabilitative Services

☐ Greg March, 5053 PCP

Elementary and Secondary Education

☐ Lori Ahmady, 3E331

☐ Alexis O'Neill, 3W320

Office of Management

☐ Bruce Monblatt, 2W123

cc: Naty Beetle, 2W131

☐ Kristen LeFevre

cc: Denise McGland

☐ IC DocketMgr, RIMS, 9154 PCP

Program Contact: Jacquelyn Buckley

CHECK ONE

☐ Approved

☒ Approved subject to minor changes

☐ Not approved—see comments

TYPE AND TITLE OF DOCUMENT: Notice of a New System of Records: National Longitudinal Transition Study-2

FILENAME: SOR Notices/2009 SOR Notices/IES/Nat'l Longitudinal Transition Study-2/ED Review 1/29/09

SIGNATURE: Kathy Axt _____ **DATE:** January 30, 2009 _____

COMMENTS:

PRIVACY ACT OF 1974, AS AMENDED
REPORT OF A NEW SYSTEM OF RECORDS FOR
THE U.S. DEPARTMENT OF EDUCATION
NATIONAL LONGITUDINAL TRANSITION STUDY-2 (NLTS2)
18-13-23

RESPONSIBLE OFFICIAL

Sue Betka, Acting Director, Institute of Education
Sciences, U.S. Department of Education, 555 New Jersey Ave NW.,
Room 600D, Washington DC 20208. Telephone: (202) 219-1385.

PURPOSE AND BACKGROUND OF THIS REPORT

This report fulfills the requirements of Office of
Management and Budget (OMB) Circular No. A-130, Appendix I,
which requires the Department of Education (Department) to
prepare a report of a new system of records.

To comply with Appendix I of OMB Circular No. A-130, the
Department issues a report for every new system of records
containing the following items: the purposes of the system of
records; the specific authority authorizing the system of
records; the probable or potential effect of the proposed system
of records on the privacy of individuals; the steps taken by the
Department to minimize the risk of unauthorized access to the
system of records; and an analysis of the compatibility of each
routine use with the purposes for which information is collected
in the system of records.

PURPOSE AND BACKGROUND OF THE SYSTEM

The NLTS2 system contains records of a nationally representative sample of approximately 11,000 students with disabilities who were 13 to 16 years old and receiving special education services in seventh grade or above in December 2000 when the study began. This system of records contains responses to surveys administered to students, parents and teachers, which may include a student's background and demographic data, educational experiences, employment experiences, finances, aspirations, plans and goals, family variables, and attitudes, school characteristics, school programs, classroom experiences, adult services and supports, and early adult outcomes in employment, education, independence, and social domains. Records in the NLTS2 also may include a student's achievement test scores and high school transcript data.

Privacy Act protected information contained in the records maintained in this system is used for the following purpose: to describe the critical influences, contexts, and transitions of students with disabilities as they complete secondary education and transition to adult experience. Specifically, the study will: a) describe the characteristics of secondary school students in special education and their households; b) describe the secondary school experiences of students in special education, including their schools, school programs, related services, and extracurricular activities; c) describe the

experiences of students once they leave secondary school, including adult programs and services, social activities; d) Measure the secondary school and post-school outcomes of students in the education, employment, social, and residential domains; and, e) identify factors in students' secondary school and post-school experiences that contribute to more positive outcomes.

SPECIFIC AUTHORITY AUTHORIZING THE SYSTEM OF RECORDS

The evaluation being conducted is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563) and section 664(e) of the Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1464(e)).

PROBABLE OR POTENTIAL EFFECT OF THE SYSTEM OF RECORDS ON THE PRIVACY OF INDIVIDUALS

Disclosure of information from this system of records could have a significant impact on the personal privacy of individuals. No information however, will be released in individually identifying form to anyone other than the contractor and subcontractor conducting the evaluation. Information made publicly available will only be released in aggregate form.

STEPS TAKEN TO MINIMIZE THE RISK OF UNAUTHORIZED ACCESS TO THE SYSTEM OF RECORDS

All physical access to the sites of the contractor and subcontractor where this system of records is maintained is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge.

In accordance with the Department's Administrative Communications System (ACS) Directive OM: 5-101 entitled "Contractor Employee Personnel Security Screenings," all contract and Department personnel who have facility access and system access are required to undergo a security clearance investigation. Individuals requiring access to Privacy Act data are required to hold, at a minimum, a moderate-risk security clearance level. These individuals are required to undergo periodic screening at five-year intervals.

In addition to conducting security clearances, contract and Department personnel are required to complete security awareness training on an annual basis. This training is required to ensure that contract and Department users are trained appropriately in safeguarding Privacy Act data in accordance with OMB Circular No. A-130, Appendix III.

The computer systems employed by the Department's contractor and subcontractor offer a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need to know"

basis, and controls an individual user's ability to access and alter records within the system. All users of this system of records are given a unique user identification.

The contractor and subcontractor employees who "maintain" (including collect, maintain, use or disseminate) data in this system of records must comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

ROUTINE USE COMPATIBILITY

The Department may disclose information contained in a record in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Computer Matching and Privacy Protection Act of 1988, as amended, under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collections, reporting and publication of data by the Institute of Education Sciences.

Under proposed routine use (1), Contract Disclosure, the Department may disclose records to employees of an entity with

which the Department contracts when disclosure is necessary for an employee of the entity to perform a function pursuant to the Department's contract with the entity. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

In the course of administering its programs, the Department may enter into contracts with entities that will perform functions for these programs. This routine use is compatible with the purposes of the system to which it applies in that it permits entities with which the Department contracts to receive the information needed to ensure that the program is administered in an efficient fashion.

OMB INFORMATION COLLECTION REQUIREMENTS

OMB information requests associated with this system of records include Parent Interview, Parent Interview Part 2 (continuation), Young Adult Interview, Young Adult Mail Questionnaire, and Parent Mail Questionnaire. Approved information collection request expires 9/30/2011 (OMB Control Number 1820-0815).

SUPPORTING DOCUMENTATION

1. Proposed System Notice. Advance copies of the new system of records notice are attached.

2. Agency Rules. No change in agency rules is required as a result of the establishment of this new system of records.

3. Exemptions Requested. No exemptions from the provisions of the Privacy Act are required as a result of the establishment of this new system of records.

4. Computer Matching Notice. There are no plans to engage in a computer matching program with the records in this system of records.

4000-01-U

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records-- National
Longitudinal Transition Study-2 (NLTS2)

AGENCY: Institute of Education Sciences, Department of
Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as
amended (Privacy Act), the Department of Education
(Department) publishes this notice of a new system of
records entitled "National Longitudinal Transition Study-2
(NLTS2)" (18-13-23).

In 2001, the U.S. Department of Education funded the
NLTS2 to provide a national picture of the characteristics,
experiences, and outcomes of secondary school students with
disabilities as they complete secondary school and
transition to young adulthood. NLTS2 includes a sample of
more than 11,000 youth who were ages 13 through 16 and
receiving special education services in seventh grade or
above in the 2000-2001 school year. The sample is
nationally representative of youth with disabilities as a
group and youth in each of the 12 federal special education
disability categories in use for students in the NLTS2 age
range.

DATES: The Department seeks comment on the new system of records described in this notice, in accordance with the requirements of the Privacy Act. We must receive your comments about this new system of records on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on [DRS/OGC INSERT DATE TRANSMITTAL LETTERS ARE SENT]. This system of records will become effective at the later date of (1) the expiration of the 40-day period for OMB review on [DRS/OGC INSERT DATE 40 DAYS AFTER THE DATE THE TRANSMITTAL LETTERS ARE SENT] or (2) [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], unless the system of records needs to be changed as a result of public comment or OMB review.

ADDRESSES: Address all comments about this new system of records to Jacquelyn Buckley, Ph.D., National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey

Avenue, NW., Room 510C, Washington, DC 20208-5550. If you prefer to send comments through the Internet, use the following address:

comments@ed.gov

You must include the term "National Longitudinal Transition Study-2 (NLTS2)" in the subject line of your electronic message.

During and after the comment period, you may inspect all comments about this notice at the U.S. Department of Education in room 510C, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

FOR FURTHER INFORMATION CONTACT: Jacquelyn Buckley.

Telephone number: (202) 219-2130. If you use a

telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

Individuals with disabilities can obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a(e)(4)) requires the Department to publish in the Federal Register this notice of a new system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in the Code of Federal Regulations (CFR) in part 5b of title 34.

The Privacy Act applies to a record about an individual that is maintained in a system of records from which individually identifying information is retrieved by a unique identifier associated with each individual, such as a name or Social Security number. The information about each individual is called a "record," and the system, whether manual or computer-based, is called a "system of records."

The Privacy Act requires each agency to publish a system of records notice in the Federal Register and to

submit, whenever the agency publishes a new system of records or makes a significant change to an established system of records, a report to the Administrator of the Office of Information and Regulatory Affairs, OMB. Each agency is also required to send copies of the report to the Chair of the Committee on Oversight and Government Reform of the House of Representatives, and to the Chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

Electronic Access to This Document

You can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site:

www.ed.gov/news/fedregister/index.html

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and

the Code of Federal Regulations is available on GPO Access

at: www.gpoaccess.gov/nara

Dated:

Sue Betka, Acting Director
Institute of Education Sciences.

For the reasons discussed in the preamble, the Acting Director of the Institute of Education Sciences (IES) of the U.S. Department of Education (the Department) publishes a notice of a new system of records to read as follows:

SYSTEM NUMBER:

18-13-23

SYSTEM NAME:

National Longitudinal Transition Study-2 (NLTS2)

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) SRI International, 333 Ravenswood Ave., Menlo Park, CA 94025-3493. (Contractor)

(2) Research Triangle Institute (RTI), 3040 Cornwallis Rd., Ragland Building, Research Triangle Park, NC 27709-2194. (Subcontractor to SRI)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The NLTS2 system contains records of a nationally representative sample of approximately 11,000 students with disabilities who were 13 to 16 years old and receiving special education services in seventh grade or above in December 2000 when the study began.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains responses to surveys administered to students, parents and teachers. The survey responses may include the student's background and demographic data, educational experiences, employment experiences, finances, aspirations, plans and goals, family variables, and attitudes, school characteristics, school programs, classroom experiences, adult services and supports, and early adult outcomes in employment, education, independence, and social domains. Records in this system of records also may include the student's achievement test scores and high school transcript data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The evaluation being conducted is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563) and section 664(e) of the Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. 1464(e)).

PURPOSE(S):

The information contained in the records maintained in this system is used for the following purpose:

To describe the critical influences, contexts, and transitions of students with disabilities as they complete secondary education and transition to adult experience.

Specifically, this study will: a) describe the

characteristics of secondary school students in special education and their households; b) describe the secondary school experiences of students in special education, including their schools, school programs, related services, and extracurricular activities; c) describe the experiences of students once they leave secondary school, including adult programs and services, social activities; d) Measure the secondary school and post-school outcomes of students in the education, employment, social, and residential domains; and, e) identify factors in students' secondary school and post-school experiences that contribute to more positive outcomes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Computer Matching and Privacy Protection Act of 1988, as amended, under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must

also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collections, reporting and publication of data by IES.

Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a database on the contractors' secure servers and in other electronic storage media. Respondent name and contact information is stored separately from analysis data.

RETRIEVABILITY:

Records are retrieved by unique identification number. Records in this system are indexed by a number assigned to

each individual that is cross-referenced by the individual's name on a separate list.

SAFEGUARDS:

Access to the records is limited to authorized personnel who are briefed regarding confidentiality of the data, are required to sign a written statement attesting to their understanding of the significance of the confidentiality requirement, and have received Department of Education moderate security clearances.

All physical access to the contractor and subcontractor sites where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the buildings for his or her employee or visitor badge.

The computer systems employed by the contractor and subcontractor offer a high degree of resistance to tampering and circumvention. Security systems limit data access to contract staff on a "need to know" basis, and controls an individual user's ability to access and alter records within the system.

The contractor and subcontractor employees who "maintain" (including collect, maintain, use or disseminate) data in this system of records must comply

with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department's Records Disposition Schedules in Part 3 (Research Projects and Management Study Records) and Part 14 (Electronic Records).

SYSTEM MANAGER(S) AND ADDRESS:

Contracting Officer's Representative (COR), National Longitudinal Transition Study-2 (NLTS2), National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208-5550.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to your record in the system of records, contact the system manager at the address listed under, SYSTEM MANAGER AND ADDRESS. Requests should contain your full name, address, and telephone

number. Your request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations in 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

Information maintained in this system of records is taken from teachers directly, including name and contact information. Records in this system may be collected through: a) telephonic interviews with parents or guardians of students that focus on student and family characteristics, non-school activities, satisfaction with school programs, and activities after high school; b) telephonic interviews or written questionnaires from students about their experiences and outcomes; c) teacher surveys about the classroom practices and the student's performance in that classroom; d) school program surveys with teachers knowledgeable about the overall program and the student's performance more broadly (e.g., instructional settings that comprise the student's whole experience, vocational education and transition planning experiences, and accommodations received); e) school characteristics

survey about the characteristics of the school and data on aggregate measures of school performance to use as supporting data for reports; f) student assessments, which involve a direct assessment of the student, including measures of the student's reading and math skills, vocabulary, science and social studies content knowledge, as well as interviews with the student about self-concept and self-determination, or alternate assessments completed by a knowledgeable adult when students are unable to complete a direct assessment due to cognitive or behavioral limitations; and, g) student transcripts, including courses taken, grades, and attendance.]

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

Honorable Cass Sunstein
Administrator, Office of Information and Regulatory Affairs
Office of Management and Budget
NEOB, Room 1002
ATTN: Docket Library
Washington, DC 20503

Dear Mr. Sunstein:

In accordance with Public Law 93-579, the Privacy Act of 1974, as amended (5 U.S.C. 552a(r)), the Department of Education is transmitting the original and two copies of a report of a new system of records for the National Longitudinal Transition Study-2 (NLTS2) and a copy of the notice of the new system to be published in the Federal Register. The NLTS2 system of records contains records with information needed to describe the critical influences, contexts, and transitions of students with disabilities as they complete secondary education and transition to adult experience. The proposed system of records will not duplicate any existing agency or government-wide systems of records.

Copies of the report and notice have been sent to the Chairs of both the House of Representatives Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs. Any inquiries or comments regarding this system may be addressed to Jacquelyn Buckley, Ph.D., National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510C, Washington, DC 20208-5550. Dr. Buckley can be reached at (202) 219-2130.

Sincerely,

JoAnn Ryan

Enclosures

Honorable Joseph Lieberman
Chairman, Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510-6250

Dear Mr. Chairman:

Enclosed are two copies of a report of a new Privacy Act system of records for the Department of Education National Longitudinal Transition Study-2 (NLTS2), and two copies of the notice of the new system to be published in the Federal Register. The NLTS2 system of records contains records with information needed to describe the critical influences, contexts, and transitions of students with disabilities as they complete secondary education and transition to adult experience. The NLTS2 notice provides specific notice to potential users about proposed routine uses for the system of records and their impact on privacy rights.

Copies of the report and notice have been sent to the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget and the Chair of the House of Representatives Committee on Oversight and Government Reform. Any inquiries or comments regarding this system may be addressed to Jacquelyn Buckley, Ph.D., National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510C, Washington, DC 20208-5550. Dr. Buckley can be reached at (202) 219-2130.

Sincerely,

JoAnn Ryan

Enclosures

Honorable Edolphus Towns
Chairman, Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are two copies of a report of a new Privacy Act system of records for the Department of Education National Longitudinal Transition Study-2 (NLTS2), and two copies of the notice of the new system to be published in the Federal Register. The NLTS2 system of records contains records with information needed to describe the critical influences, contexts, and transitions of students with disabilities as they complete secondary education and transition to adult experience. The NLTS2 notice provides specific notice to potential users about proposed routine uses for the system of records and their impact on privacy rights.

Copies of the report and notice have been sent to the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget and the Chair of the Senate Committee on Homeland Security and Governmental Affairs. Any inquiries or comments regarding this system may be addressed to Jacquelyn Buckley, Ph.D., National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 510C, Washington, DC 20208-5550. Dr. Buckley can be reached at (202) 219-2130.

Sincerely,

JoAnn Ryan

Enclosures

TO: JoAnn Ryan
Delegated the Authority of Acting Assistant Secretary for Management

THROUGH: Lee Eiden, Director
Regulatory Information Management Services

FROM: Sue Betka, Acting Director
Institute of Education Sciences

SUBJECT: Notice and Report on a New System of Records under the Privacy Act of 1974, as amended (Privacy Act)--National Longitudinal Transition Study-2 (NLTS2)

ISSUE

Whether to publish in the Federal Register the attached notice of a new system of records entitled "National Longitudinal Transition Study-2 (NLTS2)," 18-13-23 (Tab A) pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) and (11), and to transmit to Congress and the Office of Management and Budget (OMB) the attached report regarding that new system of records (Tab B), which is also required by the Privacy Act, 5 U.S.C. 552a(r).

BACKGROUND

The Privacy Act (5 U.S.C. 552a(e)(4) and (11)) requires that the Department of Education (Department) publish in the Federal Register a notice of a new system of records. The Privacy Act applies to records about individuals maintained by an agency that contain individually identifying information from which information is retrieved by the name of the individual or by other unique identifiers associated with the individual. The notice must be published prior to the operation of the new system of records. Also, the notice must be published 30 days prior to any disclosures pursuant to the routine uses contained in the system of records.

The National Longitudinal Transition Study-2 (NLTS2) system of records notice specifies the system's name and locations, categories of individuals covered by the system, categories of records in the system, authority for the system, purposes of the system, and the routine use disclosures of records in the system. The notice further outlines how the records are stored, retrieved, and disposed of, the security measures for their protection, and the means of access to, and amendment of, the records.

The NLTS2 system contains records of a nationally representative sample of approximately 11,000 students with disabilities who were 13 to 16 years old and receiving special education services in seventh grade or above in December 2000 when the study began. The NLTS2 contains responses to surveys administered to students, parents and teachers and may include students' background and demographic data, educational experiences, employment experiences, finances, aspirations, plans and goals, family variables, and attitudes, school characteristics, school programs, classroom experiences, adult services and supports, and early adult outcomes in employment, education, independence, and social domains. Records also may include students' achievement test scores and high school transcript data.

The notice provides that information in this system will be used for the following purpose: to describe the critical influences, contexts, and transitions of students with disabilities as they complete secondary education and transition to adult experience. Specifically, the study will: a) describe the characteristics of secondary school students in special education and their households; b) describe the secondary school experiences of students in special education, including their schools, school programs, related services, and extracurricular activities; c) describe the experiences of students once they leave secondary school, including adult programs and services, social activities; d) Measure the secondary school and post-school outcomes of students in the education, employment, social, and residential domains; and, e) identify factors in students' secondary school and post-school experiences that contribute to more positive outcomes.

The Privacy Act (5 U.S.C. 552a(r)) further mandates that the Department prepare a report to Congress and to OMB evaluating the probable or potential effect that disclosure of information under this system of records will have on privacy rights of the individuals involved. OMB has 40 days to review the report, unless OMB waives 10 days of its 40-day review period for compelling reasons shown by the Department. If OMB does not provide comments within 40 days, the Department may treat the failure to comment as approval.

The report evaluates the probable effect that disclosure of information in this system of records will have on the privacy rights of the individuals involved. The report further outlines the purpose and background of the system of records, the specific authority for the system of records, and the security measures to protect the records, and shows how the newly proposed routine uses are compatible with the purposes for which the information in the system was collected.

The attached Report of a New System of Records and Notice of a New System of Records provide a more detailed description of the purposes and uses of the NLTS2 system of records.

COMMENTS BY PRINCIPAL OFFICES

Appropriate principal offices of the Department have reviewed this notice. The Office of the General Counsel has reviewed the system notice and accompanying report and has no legal objection to the publication of the notice or the transmission of the attached report to OMB and Congress.

RECOMMENDATION

We recommend approval of the publication of the notice and related actions. If you approve the publication of the notice in the Federal Register and the transmittal of the report to Congress and OMB, please sign the attached transmittal letters (Tab C) to OMB and Congress. **Please do not date the transmittal letters.** If you do not approve transmittal, please advise of any alternative action that you wish to be taken and sign below.

Approve: _____

Date: _____

Disapprove: _____

Date: _____

Other/Comments

Attachments

Tab A: Notice of a New System of Records

Tab B: Report of a New System of Records

Tab C: Transmittal Letters to Congress and OMB